

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of November 20, 2014

**Board Members Present:**

Board Chairman: Tracy Cagan,  
RCP

Jeannette Kieffer, RCP

Chuck Ramirez, RCP

Michelle O'Hair –Schattenberg,  
Esquire

Robert Altman, M. D.

**Board Members**

**Absent:**

Vice Chairman: Jose  
Gonzales, RCP

Nicholas Walters,  
Esquire

**Staff Present:**

Executive Director:  
Jack Confer  
Susan Mathein  
David Geriminsky

**Legal Counsel:**

Nancy Beck, AAG  
Frankie Shinn-Eckberg, AAG

**WWW.RB.AZ.GOV**

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of November 20, 2014

## CALL TO ORDER

The Meeting was called to order at 9:06AM by Chairman Cagan.

A five minute break was taken at 10:25AM.

A five minute break was taken at 12:43PM.

## CONSENT AGENDA

There being no items requested to be removed, a motion was made to approve all items on the Consent Agenda.

- Corrections requested to October Minutes for Sirena Cameron case

**MOTION:** Board Member O'Hair-Schattenberg to approve with noted corrections.  
Seconded by Board Member Altman.

**VOTE:** Motion passed (5-0).

## C-1 APPROVAL OF MINUTES

Recommended for Approval

October 16, 2014

## C-2 ACTION ON APPLICATIONS FOR LICENSURE

### i. Initial License

Eyob Alemu	Carolyn Baddeley	Mary Dibble	Rhonda Espinoza
Wanda Gresens	Kimberly Harris	Gary Hill	Lucas Howell
Shannon Ingraham	Isaac Jackai	Myla Jones	Barbara Kester-
Samantha Kuecher	Ryan Langston	Benitho Louissaint	Sandra Manzo
Ryan Moeller	John Niggel	Tamra Poulter	Aeson Reed
Brianna Schaeffer	Candace Schlenker	Kelly Schroeder	Matthew Smith
Norma Tapia	Kristin Webster		

### iii Re-Applications

Thomas Black      Danielle Davis Hollinshead      Christina Garrigan

### iii. Temporary License

Ayalew Afework      Michael Alford      Troy Aquino      Wendy Arevalo

Caroline Ballard  
Barbara Hendon  
Ryan Moeller  
Dennis Wilson

Kelly Biev  
Gary Hill  
Kathleen Pollard  
Evan Yost

Falana English  
Jeffrey Hodges  
Tamra Poulter

Jeffery Fitzgibbons  
Jeremy Leggett  
Monica Reese

### **C- 3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES** None

### **C-4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES**

Aubrey Findler  
Christina La Vigne  
Eric Robinson  
Jill Balok  
Margarita Hendrix  
Michelle Wolf  
Shana Thomas  
Teresa Nicholls

Belinda McGillicuddy  
Donielle Lewis  
Ghaleb Okla  
Kenya Gee  
Maria Aguilar  
Precious Palandri  
Shyla Allers  
Tiffany Hatcher

Brittani Brookshire  
Edwin Kramer  
Gwendolyn Santos  
Lorna Gross  
Maria Erickson  
Rodney Yerger  
Susan Jacomet

Edythe Turner  
Jacqueline Griffin  
Margaret Perech  
Marie Lynn Mancao  
Ryan Earl  
Tereasa Vargason

### **C- 4 ACTION ON NOTICES OF LICENSE EXPIRATIONS**

Adam Johnson  
Brian Crick  
Diane Joralmon  
Kismet Rhodes  
Michael Shirey  
Nuhman Makanangot  
Rosa Neely  
Shirley Burnett  
Tommy Faulks

Allan Croke  
Carl Lintner  
Yvonne Lamme  
Larry Kellerhouse  
Miles Hartley  
Olivia Jacobson  
Rosemary Weese  
Shirley Difuntorum  
Vail Holdman

Amy Schrader  
Carrie Cooper  
Kathleen Huck  
Lisa Shivery  
Mona Rodriguez  
Patricia Patton  
Sabrina Espinoza  
Tiffany Apache

Andrea Parks  
David DuVall  
Kellie Skeen  
Mark Davis  
Nicholas D'Amelio  
Richard Schireman  
Sheila White  
Tina Samuel

### **C - 5 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES**

Samantha Berg  
Jody Rubin  
Carol Young

Joel Greer  
Lindsey Seilinger

Ricardo Leon  
Shirley Walker

Colleen McMillar  
Rebecca Williams

### **C - 6 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING** Scheduled date of next Board Meeting

Thursday, December 18, 2014, at 9:00AM.



## REGULAR AGENDA

### **R-1 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA**

### **R-2 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)**

1. Corder, Karalyn Case Number C003122-13-008889  
Chairman Cagan announced the case and commenced the Hearing at 9:40AM. RCP Corder was present and accompanied by her witness, RCP Tami Olson. Assistant Attorney General Nancy Beck appeared on behalf of the State of Arizona. Investigator Geriminsky, RCP Corder and RCP Tami Olson were sworn into the proceeding. The Board heard testimony from Investigator Geriminsky, RCP Corder and RCP Tami Olson. After consideration and discussion, the Board voted on the matter.

**MOTION:** Board Member Kieffer to dismiss. Seconded by Board Member O'Hair-Schattenberg.

**ROLL CALL VOTE:** Motion passed (5-0).

2. Marini, Vanessa Case Number C003213-14-010877  
Chairman Cagan announced the case and commenced the Hearing at 10:46AM. RCP Marini was present and accompanied by her witness, RCP Rodriguez. Assistant Attorney General Nancy Beck appeared on behalf of the State of Arizona. Investigator Geriminsky, RCP Marini and RCP Rodriguez were sworn into the proceeding. The Board heard testimony from Investigator Geriminsky, RCP Marini and RCP Rodriguez. After consideration and discussion, the Board voted on the matter.

**MOTION:** Board Member O'Hair-Schattenberg to adopt Factual Allegation #1 in the Complaint and Notice of Hearing as a Finding of Fact. Seconded by Board Member Kieffer.

**ROLL CALL VOTE:** Motion passed (5-0).

**MOTION:** Board Member O'Hair-Schattenberg to accept Alleged Violation #'s 1, 2, 3, 5, & 7 in the Complaint and Notice of Hearing as the Conclusions of Law. Seconded by Board Member Kieffer.

**ROLL CALL VOTE:** Motion passed (5-0).

**MOTION:** Board Member Kieffer to issue a Standard Order of Probation excluding the requirement for AA/NA meetings and Interlock Device/Reporting. Seconded by Board Member Ramirez.

**ROLL CALL VOTE:** Motion passed (4-1). Board Member Altman voted nay.

3. Sayegh, Robert Case Number C003156-14-005758  
Chairman Cagan announced the case and commenced the Hearing at 11:58AM. RCP Sayegh was present. Assistant Attorney General Nancy Beck appeared on behalf of the State of Arizona. Investigator Geriminsky and RCP Sayegh were sworn into the proceeding. The Board heard testimony from Investigator Geriminsky and RCP Sayegh. After consideration and discussion, the Board voted on the matter.

**MOTION:** Board Member O'Hair-Schattenberg to adopt the Factual Allegations listed in the Complaint and Notice of Hearing as Findings of Fact. Seconded by Board Member Kieffer.

**ROLL CALL VOTE:** Motion passed (5-0).

**SECOND MOTION:** Board Member Altman to dismiss. Motion died for lack of a second.

**MOTION:** Board Member Kieffer to adopt the Alleged Violations, listed in the Complaint and Notice of Hearing, excluding number six (6), as Conclusions of Law. Seconded by Board Member O'Hair-Schattenberg.

**MOTION:** Board Member Kieffer to issue a Disciplinary Order of Probation excluding the requirement of the Interlock Device/Reports. Seconded by Board Member O'Hair-Schattenberg.

**ROLL CALL VOTE:** Motion passed (4-1). Board Member Altman voted nay.

### **R-3 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)**

1. Pablo, Doreen Case Number C003234-14-007473  
Chairman Cagan announced the case and commenced the interview at 12:50PM. RCP Pablo was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Pablo addressed the Board Members regarding the matter.

**MOTION:** Board Member Kieffer to dismiss. Seconded by Board Member Altman.



**VOTE:** Motion passed (4-1). Board Member Ramirez voted nay.

2. Peterson, James Case Number C003233-14-008654  
This matter was postponed to the December 18, 2014 Board meeting.
3. Rub, Mary Case Number C002842-12-000705  
This matter was postponed to the December 18, 2014 Board meeting.
4. Wells, Melissa Case Number C003050-14-004631  
This matter was postponed to the December 18, 2014 Board meeting.

#### **R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT**

1. Begay, Charlene Case Number C003250-14-007133  
Chairman Cagan announced the case. RCP Begay was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Ramirez to invite RCP Begay to an Informal Interview. Board Member Altman seconded.

**VOTE:** Motion passed (5-0).

2. Berg, Samantha Case Number C003282-15-007299  
Chairman Cagan announced the case. RCP Berg was not present. Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Ramirez to issue a Consent Agreement for a \$100.00 civil penalty to be paid within thirty (30) days. Board Member Kieffer seconded.

**VOTE:** Motion passed (5-0).

3. Curdo, Georgia Case Number C003269-15-008660  
Chairman Cagan announced the case. RCP Curdo was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Curdo addressed the Board.

**MOTION:** Board Member Altman to dismiss. Motion died for lack of a second.

**MOTION:** Board Member Kieffer to issue a Rehabilitative Order of Probation excluding the Interlock Device/Reports. Seconded by O'Hair-Schattenberg.

**VOTE:** Motion passed (4-1). Board Member Altman voting nay.

4. Falcone, Christine Case Number C003239-14-008428

Chairman Cagan announced the case. RCP Falcone was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Falcone addressed the Board.

**MOTION:** Board Member Ramirez to offer a Consent Agreement with a \$10 fine for each CEU not obtained in the required renewal period. The fine payable within a 30 day period. Seconded by Board Member O'Hair-Schattenberg.

**VOTE:** Motion passed (5-0).

5. Fischer, Tanachia Case Number C003273-15-010264  
See Item R-5
6. Goguen, Kimberly Case Number C003216-14-009535  
Chairman Cagan announced the case. RCP Goguen was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Goguen addressed the Board.

**MOTION:** Board Member O'Hair-Schattenberg to move this case to an Informal Interview. Seconded by Board Member Kieffer.

**VOTE:** Motion passed (4-1). Board Member Altman voting nay.

7. Keenan, Jennifer Case Number C003268-15-009014  
This matter was postponed to the December 18, 2014 Board meeting.
8. Purcella, William Case Number C003271-15-005772  
This matter was postponed to the December 18, 2014 Board meeting.
9. Rodriguez, Robert Case Number C003275-15-009839  
Chairman Cagan announced the case. RCP Rodriguez was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Rodriguez addressed the Board.

**MOTION:** Board Member O'Hair-Schattenberg to issue a Consent Agreement for a \$400.00 civil penalty to paid within ninety (90) days. Seconded by Board Member Ramirez.

**VOTE:** Motion passed (5-0)

10. Wright, Dale Case Number C003272-15-007533  
This matter was postponed to the December 18, 2014 Board meeting.

## **R-5 CONSIDERATION AND POSSIBLE ACTION PURSUANT TO A.R.S. § 32-3553 (E), SUMMARY SUSPENSION**



1. Fischer, Tanachia Case Number C003273-15-010264  
Chairman Cagan announced the case at 9:10AM. RCP Fischer was present and represented by Steve Perlmutter, Esquire. Investigator Geriminsky presented a summary of the case. Mr. Perlmutter presented a summary of his client's position in this matter.

**MOTION:** Board Member Kieffer to enter Executive Session for legal advice from the Board's attorney. Seconded by Board Member O'Hair-Schattenberg.

**VOTE:** Motion passed 5-0.

The Board held an Executive Session at 9:15AM and reconvened Open Session at 9:25AM.

The Board held additional discussion and considered the matter.

**MOTION:** Board Member Kieffer to move this case to an Informal Interview. Seconded by Board Member Ramirez.

**VOTE:** Motion passed (5-0).

#### **R-6 CONSIDERATION AND POSSIBLE ACTION ON PROBATION COMPLIANCE/STATUS/REVIEW AND/OR TERMINATION REQUEST**

1. Guerrero, Gregory Probationer Number P001055-14-001456  
Chairman Cagan announced the case. RCP Guerrero was not present. Investigator Geriminsky reviewed the matter for the Board Members.

**MOTION:** O'Hair-Schattenberg to move the case to a Formal Hearing. Seconded by Board Member Kieffer.

**VOTE:** Motion passed (5-0).

#### **R-7 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE OR RENEWAL**

1. Kenda, Scott Case Number C003284-15-011378  
Chairman Cagan announced the case. Applicant Kenda was present. Investigator Geriminsky reviewed the matter for the Board Members. Chairman Cagan was recused and Board Member Kieffer assumed the position of Chair. Applicant Kenda addressed the Board. Board Members interviewed Mr. Kenda.

**MOTION:** Board Member Altman to grant the license. Seconded by Board Member Ramirez.

**VOTE:** Motion passed (4-0).

#### **R-8 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT**

1. FY 2014 Cash Flow Projection (October 2014)



2. FY 2014 Revenue, Expenditure, Financial Trends Report October 2014)
3. Customer Satisfaction Results
4. Application Report (November 2014)
5. Investigation & Probation Report (November 2014)
6. Agenda organization and content of expired license section
7. Mandatory Board Training, A.R.S. § 32-3217; Relating to Health Profession Regulatory Boards
8. Continuing Education Audit Update
9. Renewal Notification Letter Change
10. Draft of 2015 Legislation
11. Board Meeting Schedule for 2015
12. Discussion, Consideration and Possible Action and /or Direction to staff regarding mandatory reporting for health related professionals, A.R.S. § 32-3208  
Postponed to December

#### **R-9 CALL TO THE PUBLIC**

Nobody appeared.

#### **R-10 ITEMS TO BE PLACED ON A FUTURE AGENDA**

R3 - 2, 3, & 4

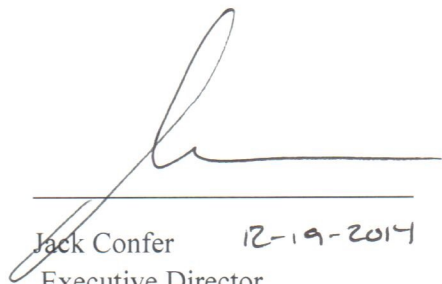
R4 - 7, 8, & 10

R8 - 12

#### **R-11 ADJOURNMENT**

Dated this 20<sup>th</sup> day of November, 2014 at 2:14PM



  
\_\_\_\_\_  
Jack Confer      12-19-2014  
Executive Director